

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

DAVID EUGENE BECKNER,

Debtor.

) Case No. **21-60937-tmr13**
)
) Confirmation Hearing Date: **7/20/21**
)
) **TRUSTEE'S OBJECTION TO**
) **CONFIRMATION AND MOTION**
) **TO DISMISS**

Naliko Markel, Trustee, objects to confirmation of the Debtor's Chapter 13 Plan (Doc. 2; dated 5/24/21) for the reasons set out below:

- ☐ a. Plan is not feasible:
- ☐ b. Case not filed in good faith/Plan not proposed in good faith:
- ☒ c. Plan does not commit all of the Debtor's excess projected disposable income pursuant to 11 U.S.C. § 1325(b)(1)(B) for the applicable commitment period: **(1) a step payment of \$114 should be added to the Plan beginning in month 16, when the 2001 Toyota is paid off, and (2) the Trustee objects to the continuation of the Debtor's investing / day trading activity as not reasonable or necessary.**
- ☐ d. Plan does not meet the best interest test of 11 U.S.C. § 1325(a)(4):
- ☒ e. Filing/documentation is deficient: **Please provide: (1) copies of the 2018 tax returns. Taxes should be liquidated prior to confirmation; (2) copies of the PayPal statements for the two months prior to filing, covering the date of filing (5/26/21); (3) copies of the Phillips Capital statements for June and July, 2021; (4) an amended Statement of Financial Affairs #4 to disclose Debtor's income for 2019.**
- ☒ f. Other: **Plan changes: (1) ¶3(c): amend to read "2021-2025"; (2) ¶'s 3(e), 4(b)(4) and 6: populate the blanks; and (3) with a step payment of \$114 in month 16, the distribution to unsecured creditors (¶4(g)(1)) will be 17%.**

Motion to Dismiss. For the above reasons, the Trustee moves the Court for an order dismissing this case.

I certify that on July 6, 2021, I served copies of the above Objection and Motion on the Debtor(s) and any debtor attorney.

DATED: July 6, 2021
(tm)

/s/ Andrea Breinholt, OSB #092975, for
Trustee